



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/937,883	09/25/1997	SHIMON GRUPER	COLB-0083	2262
20741	7590	02/25/2004	EXAMINER	
HOFFMAN WASSON & GITLER, P.C.			TANG, KENNETH	
CRYSTAL CENTER 2, SUITE 522			ART UNIT	PAPER NUMBER
2461 SOUTH CLARK STREET			2127	36
ARLINGTON, VA 22202-3843			DATE MAILED: 02/25/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	GRUPER ET AL.
Examiner Kenneth Tang	Art Unit 2127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 04 December 2003.  
2a) This action is FINAL.                                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 19 and 21-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 19 and 21-35 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 25 September 1997 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in response to paper number 35, Appeal Brief, filed on 12/4/03.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
3. Claims 19 and 21-35 are pending in the application.

#### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "learning period" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to because of a spelling error in Fig. 3, item 38. The term "THRED" should be spelled "THREAD." A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 19, 21-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shieh et al. (hereinafter Shieh) (US 5,278,901) in view of Crosbie et al. (hereinafter Crosbie) "Active Defense of a Computer System using Autonomous Agents".**

7. As to claim 19, Shieh teaches an apparatus for ensuring the integrity of an application executed on a computer having data storage arranged sectorwise comprising:

- an enforcement device, operative after said period is over, for identifying and preventing said application from accessing elements of data storage that do not correspond with the normal behavior of said application (*"pattern-oriented instruction detection system and method that defines patterns of intrusion"*, see *Abstract*, *"intrusion detection system"*, see *Fig. 2, item 215, col. 9, lines 5-6 and 67, "present protection graph 205"*, *col. 9, line 65, col. 18, lines 50-56*);

Shieh fails to explicitly teach:

- apparatus for learning about the normal behavior of said application to said data storage arranged sectorwise by monitoring accesses of said application to elements of said data storage during a limited period;

8. However, Crosbie teaches an intruder detection system that recognizes the intruder, learns about the intrusions, and deals with the intrusions when detected (*"Intruder recognition"*, *"Learning about intrusions"*, *"Response to an intrusion"*, *page 4, right hand column, page 2, right hand col., lines 36-39, page 6, left hand col. Lines 33-36, right hand col. Lines 8-10*).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Shieh and Crosbie because Crosbie's feature of learning about the normal behavior of said application by monitoring accesses of said application to elements of said data storage would improve the accuracy of dealing with the intrusion. The knowledge learned about intrusions is used in future decisions of responding to an intrusion ("learn about intrusions and use that knowledge in future decisions", page 4, col. 2, 2<sup>nd</sup> bullet point).

10. As to claim 21, Crosbie teaches an apparatus wherein said enforcement device is operative to prompt a user to give specific permission, upon occurrence of an attempt of the program to access files not accessed during said learning period. Crosbie teaches a system which recognizes intrusions, learns about the intrusions, and responds/deals with the intrusions that are detected and are based by a human operator ("anomalous activity", "human operator", page 6, col. 2, "Intruder recognition", "Learning about intrusions", "Response to an intrusion", page 4, col. 2, "observe deviations from normal behaviour", page 5, col. 1, "Cooperative monitoring", see Abstract). Shieh in view of Crosbie fails to explicitly teach that the verification data for each program is stored in a file and that file is accessed for verification. However, "Official Notice" is taken that both the concept and advantages of providing that data can be stored in a file is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a file that contained the verification data of each program to the existing system for the reason of increasing organization

of the program by keeping the verification information for a particular program in one area. It makes it simpler for the respective program to access the information.

11. As to claim 23, it is rejected for the same reasons as stated in the rejection of claim 21. Furthermore, it is obvious that there is more leniency to access files with user permission because there is no leniency without permission.

12. As to claims 22 and 24, Shieh teaches an apparatus for ensuring the integrity of a computer application to be run in association with a computer having data storage arranged sectorwise in a storage device, comprising:

- apparatus for assigning a general enforcement file to each new program (*“protection sets help define the targets of intrusion detection”, col. 8, lines 19-20, “audit trails”, “protection graph”, col. 8, lines 37-49*);

Shieh fails to explicitly teach:

- apparatus for learning about the program by monitoring the program of said data storage, by monitoring the program's attempts to make file accesses during a learning period;
- an enforcement device operative, after said learning period is over, to treat attempts of the program to access files accessed during said learning period more leniently than attempts of the program to access files not accessed during said learning period, said enforcement device is based at least on instances of specific permission being given by the user to said application to access locations of said data storage, wherein said enforcement device treats attempts of said application to access locations of said data storage to which the

user has permitted to access during said learning period more leniently than attempts of the program to access files to which the user did not permit access during said learning period.

13. However, Crosbie teaches a system which recognizes intrusions, learns about the intrusions, and responds/deals with the intrusions that are detected and are based by a human operator ("anomalous activity", "human operator", page 6, col. 2, "Intruder recognition", "Learning about intrusions", "Response to an intrusion", page 4, col. 2, "observe deviations from normal behaviour", page 5, col. 1, "Cooperative monitoring", see Abstract). Shieh fails to explicitly teach that the verification data for each program is stored in a file. However, "Official Notice" is taken that both the concept and advantages of providing that data can be stored in a file is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a file that contained the verification data of each program to the existing system for the reason of increasing organization of the program by keeping the verification information for a particular program in one area. It makes it simpler for the respective program to access the information.

14. As to claim 25, it is rejected for the same reasons as stated in the rejection of claim 24.

15. As to claim 26-28, Crosbie teaches a method further comprising enabling the user of said first application to determine said normal behavior during said learning period (see rejection of claims 24 and 25).

Art Unit: 2127

16. As to claim 29-34, Shieh in view of Crosbie teaches a method further comprising detecting attempts of a daughter or second application of said first application to access elements of data storage that do not correspond to said normal behavior as determined by said enforcement file and inhibiting said accesses, thereby preventing the damage thereupon. It is rejected for the same reasons as stated in the rejection of claims 22 and 24. In addition, Shieh teaches detection on two applications (*“detection of unintended use of foreign programs and detection of virus propagation”, col. 4, lines 10-23*).

17. As to claim 35, it is obvious to have a second application is executed on a second computer for the reason of increasing the speed of running the application by not using the resources of the first computer to run the second application.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (703) 305-5334. The examiner can normally be reached on 8:30AM - 7:00PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt  
2/18/04



MENG-AL T. AN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100